



**James A. Graham**  
Commissioner

**Carl E. Falco**  
Director

**North Carolina  
Department of Agriculture  
And Consumer Services  
Structural Pest Control Division**

**Memorandum**

**To:** Structural Pest Control Licensees and Non-Commercial Certified Applicators  
**From:** Carl E. Falco  
**Date:** October 11, 1999  
**Re:** Amendments to Structural Pest Control Law

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The General Assembly adopted amendments to the Structural Pest Control Act during the 1999 of the General Assembly (HB 1233). A brief summary of the changes appears below. Where necessary a discussion of the effect of the amendment is included. A complete copy of the bill may be obtained from the NC General Assembly at (919) 733-5648 or from their web site.

**§106-65.23** is amended to delineate clearly the powers of the Commissioner and Committee.

**§106-65.24** is amended to add, delete or modify definitions:

"Branch Office" added

"Call Office" deleted

"Home Office," "Licensee" modified

Call offices are no longer permitted. Licensees may either: 1) choose to operate up to two current call offices as branch offices, or 2) conduct all business of the call office through the licensee's home office. Option 2 requires that all calls, service orders, pesticides etc. come through the home office such that the employee can no longer be considered to be conducting business from the call office location.

**§106-65.25** is amended to clarify the license requirements, and prohibited acts and:

directs the Committee to adopt rules permitting licensees to establish at least two branch offices in addition to their home office. The Committee has adopted temporary rules under this amendment. Copies of the rules will be provided as soon as possible.

prohibits a licensee from "Allow[ing] his or her license to be used by any person or company for which he or she is not a full-time regular employee actively and personally engaged in the supervision

of the structural pest control performed under the license." The practice of individuals "renting" licenses to companies is now prohibited.

**§106-65.26** is amended to clarify the qualifications for licensing and acts which may disqualify an individual from licensing.

**§106-65.27** permits the Committee to grant up to an additional 90 days in which a company may operate without a license in the event of the death or disability of the licensee. Permission must be obtained from the Committee before the expiration of the first 90 period.

**§106-65.28** prohibits the commercial use of any product for which the Committee has requested and been refused efficacy data under G.S. 106-65.29(9a).

**§106-65.29** specifically authorizes the Committee to request efficacy data from pesticide registrants or manufacturers of pest control devices and provides for the protection of confidential business information that may be contained in any submission resulting from such requests.

**§106-65.30** increases the fees for a license to:

First phase \$150.00  
Second and subsequent phases \$65.00  
Sub-phases \$15.00 each

**§106-65.33** specifically authorizes the use of warnings as enforcement actions.

**§106-65.41** adds G.S. 106-65.25(a)(14) and (15) to the violations for which a civil penalty may be assessed.

Any licensee having specific questions concerning the effect of these amendments should contact their inspector or the Division.

**This Act became effective on October 1, 1999. The Division will initiate strict enforcement of these provisions effective December 1, 1999.**